

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CYNTHIA JONES,

Plaintiff,

v.

FOUNDATION FINANCE CO.,  
LLC, CAPITAL ONE, N.A., and  
MICHIGAN FIRST CREDIT  
UNION,

Defendants.

Case No. 25-11053

Mark A. Goldsmith  
United States District Judge

Curtis Ivy, Jr.  
United States Magistrate Judge

**ORDER TERMINATING MOTION TO COMPEL ARBITRATION and  
MOTION TO DISMISS (ECF Nos. 17, 19)**

Defendant Michigan First Credit Union moved to compel arbitration on May 12, 2025. (ECF No. 17). Defendant Foundation Finance Company, LLC, moved to dismiss the complaint on May 12, 2025. (ECF No. 19). On May 27, 2025, Plaintiff filed an amended complaint. (ECF No. 23).

The amended complaint was filed as of right within 21 days of service of the motion to dismiss. *See* Fed. R. Civ. P. 15(a)(1)(B). Because the amended complaint supersedes the original complaint, the motion to dismiss the original complaint is **TERMINATED AS MOOT**. *See ComputerEase Software, Inc. v. Hemisphere Corp.*, 2007 WL 852103, \*1 (S.D. Ohio Mar. 19, 2007) (“Since the amended complaint replaces the original complaint, the motion to dismiss the

original complaint is moot. . . .”). The Order directing Plaintiff to file a response to the motion to dismiss (ECF No. 25) is **RESCINDED**.

Defendants may file renewed motions or an answer to the amended complaint within 21 days of service of the amended complaint.

The motion to compel arbitration (ECF No. 17) is also **TERMINATED**. Though the substance of the motion is not moot, the motion cites paragraphs from the original complaint. Defendant Michigan First Credit Union must refile the with citations to the amended complaint to avoid any confusion.

**IT IS SO ORDERED.**

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: June 3, 2025

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on June 3, 2025.

s/Sara Krause

Case Manager

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